



The Regular Meeting of the  
**Brian Head Town Council**  
Town Hall Council Chambers  
56 N. Hwy 143, Brian Head, UT 84719  
**Tuesday, December 08, 2009 @ 1:00 p.m.**

## AGENDA

**1:00 p.m.**

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. DISCLOSURES**
- D. APPROVAL OF THE MINUTES:**
1. November 24, 2009 Town Council Meeting
  2. October 13, 2009 Town Council Executive Session
- E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
- F. AGENDA TOPICS:**
1. **PLAQUE PRESENTATION TO COUNCIL MEMBER COCCHIA** – The Mayor will present a plaque of appreciation to Council Member Cocchia for his years of dedicated service on the Town Council.
  2. **PLANNING COMMISSION APPOINTMENT** – Bryce Haderlie, Town Manager – Bryce will present his recommendation for a Planning Commission member to the Council.
  3. **2010 TOWN COUNCIL MEETING SCHEDULE** – Nancy Leigh, Town Clerk – The Council will approve the 2010 Town Council Meeting schedule.
  4. **TOWN ATTORNEY CONTRACT** – Bryce Haderlie, Town Manager – The Council will consider a proposed contract with Eric Johnson, Blaisdell & Church, as the Town Attorney.
  5. **CONSOLIDATED FEE SCHEDULE AMENDMENT** – Tom Stratton, Public Works Director – The Council will consider a proposed resolution for amending the Consolidated Fee Schedule.
  6. **PUBLIC SAFETY BUILDING DESIGN REVIEW** – Southern Utah University – SUU students will present the final five proposals for the new Public Safety Building design to the Council.
- G. ADJOURNMENT**

**Dated the 4<sup>th</sup> Day of December, 2009**

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference.

In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

### CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 4<sup>th</sup> day of December, 2009 and have caused a copy of this notice to be delivered to the Daily Spectrum.

Nancy Leigh  
Town Clerk

**The Regular Meeting of the  
Brian Head Town Council  
Town Hall Council Chambers  
56 N. Hwy 143, Brian Head, UT 84719  
Tuesday, December 08, 2009 @ 1:00 p.m.**

**Members Present:** H.C. Deutschlander, Hans Schwob, Stewart Fausett, Jim Ortler  
**Members Absent:** Tony Cocchia  
**Staff Present:** Bryce Haderlie, Nancy Leigh, Cecilia Johnson, Gary Bulloch, Tom Stratton, Chet Hovey  
 (Engineer), Dan Guymon

**A. CALL TO ORDER**

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:05 pm. Mayor Deutschlander reported that Council Member Cocchia is excused from today's meeting due to a death in the family.

**B. PLEDGE OF ALLEGIANCE**

Mayor Deutschlander led the Council and others in the Pledge of Allegiance.

**C. DISCLOSURES**

There were no conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statement are on file at the Recorder's office and are available for public inspection during normal business hours.

**D. APPROVAL OF THE MINUTES:**

**November 24, 2009 Town Council Meeting**

**Motion:** Council Member Ortler moved to approve the November 24, 2009 Town Council minutes as presented. Council Member Fausett seconded the motion.  
**Action:** **Motion carried 4-0-0 (Summary Yes = 4 Vote: Yes = Mayor Deutschlander, Council Member Fausett, Council Member Ortler, Council Member Schwob. Absent: Council Member Cocchia).**

**October 13, 2009 Town Council Executive Session**

**Motion:** Council Member Ortler moved to approve the October 13, 2009 Town Council Executive Session minutes as presented. Council Member Schwob seconded the motion.  
**Action:** **Motion carried 4-0-0 (Summary Yes = 4 Vote: Yes = Mayor Deutschlander, Council Member Fausett, Council Member Ortler, Council Member Schwob. Absent: Council Member Cocchia).**

**E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**

**Nancy Leigh, Town Clerk/Recorder**, reported that she will be attending a workshop on Boundaries and Annexation for the 2010 Census in Salt Lake City on December 11, 2009.

**Council Member Ortler**

1. During a Utah League of Cities and Towns Board Meeting, discussion was held regarding the State Engineer who has requested Legislators allow him a "free hand" to determine all change application for water rights. This is supported by State Committee of Water who consists largely of farmers and ranchers. The League Analyst contacted the Lt. Governor to rein in the State Engineer.
2. Reported that a 40' semi truck was jackknifed on the top of Hunter Ridge Road in front of his home. The Public Safety and Public Works crews responded to situation and were able to get the semi off of Hunter Ridge Road and back down the highway.

**Council Member Schwob** inquired that since Highway 143 is now designated as a Scenic Byway, if Utah Department of Transportation (UDOT) could clean the dead trees along the highway that are in the State's right-of-way. After discussion, Council directed staff to send a letter to UDOT to request a clean-up of the dead trees along the Hwy.

Gary Bulloch, Public Safety Director, reported that the Brian Head Fire Department will be conducting fire mitigation of the dead trees along the highway within the town boundaries, but believes that UDOT has not identified any type of funding for removing the dead trees within their right-of-way.

Mayor Deutschlander responded that he was assured by UDOT during the ceremony of dedicating Highway 143 that UDOT would be allocating funds for the improvement of the road as a Scenic Byway.

#### **Mayor Deutschlander**

1. Updated the Council on new Bills that have recently been passed; Estate taxes, consumer financial protection agency, satellite law, etc.
2. Matt Jenson, Smith- Hartvigsen law firm, has written an article for the Utah Water Users Association regarding water rights of "Use it or lose it".
3. The Forest Service is receiving public comment for a proposed Forest Service road that has been re-routed north of Panguitch Lake. The purpose of the re-routing of the road is to locate the road on Forest Service property. This proposed route may affect some of the OHV trails in the area.
4. The Forest Service is expected to give a decision on the Brian Head OHV trail in December, 2009, with implementation of the trail in April of 2010. The Forest Service will be conducting timber sales in the area. For further information, please contact Mayor Deutschlander.
5. Attended a meeting between Parowan City and Brian Head regarding the sewer system. Mayor Deutschlander reported that a video on the infiltration in Brian Head is available to those who are interested. Mayor Deutschlander updated the Council on the infiltration of the water into the sewer system.

#### **Bryce Haderlie, Town Manager**

1. The Brian Head Master Trail Plan Committee will be holding a public meeting on January 15, 2010. The location has not yet been identified. There will be an open house to receive public comment on the proposed trail maps.
2. The town hall kiosk is in the process of being completed.
3. Staff has been working with Rainbow Sign & Banners to correct the arrows and information signage on the kiosks along highway 143.

#### **Gary Bulloch, Public Safety Director**

1. Distributed the department's bi-weekly update (see attached).
2. One of the managers of the Giant Steps Condominiums passed away last night. There were underlying health problems with the victim.
3. Mayor Deutschlander inquired as to the status of the new fire apparatus that was recently purchased by the town. Gary responded that they are currently changing the decals and installing the radios in the truck.

#### **Tom Stratton, Public Works Director**

1. The Public Works crews are currently on a rotating schedule for snow removal during heavy storms. The new schedule has improved the snow removal service in town.
2. Submitted the Community Development Block Grant (CDBG) grant application for approximately \$42,000.00 for ADA compliance towards the parking lot of the Town Hall as a project for funding.

#### **Chet Hovey, Town Engineer,**

1. Updated the Council on the construction of the new 1 MG Mammoth water tank. Chet reported that the contractor moved his equipment off the hill and will start construction again once the snow is melted in the spring of 2010.
2. The USDA partial pay requests will be presented to the Council in January instead of December due to a delay in the collection of invoices from the contractors and others.
3. AE Engineering is currently working on concept designs for the new town well; there are approximately five designs that have been completed and will be presented to the Planning Commission and Council in the near future. The location of the well was then discussed.

#### **Cecilia Johnson, Town Treasurer**

1. Presented the monthly budget to the Council for their review (see attached).

2. Contacted the Iron County Treasurer to confirm the date of when Brian Head will be receiving the property taxes. The Treasurer indicated that Brian Head would see their portion of property taxes in the first part of January 2010.
3. Discussion was held regarding current year-to-date water revenue and how it pertains to the USDA loan/grant requirements. Tom explained that USDA set the minimum water rate for each user in order to meet the bond payments to USDA. Discussion was held regarding whether the Grand Lodge @ Brian Head with 100 units was identified when the rate was set. Staff will confirm and verify the contract that was signed by the Grand Lodge on when the utility rates would take effect and report back to Council.
4. Discussion was held regarding the expenditure of employee benefits that are identified in the budget and whether the budget would need to be amended since the expenditures are currently 33% over. Cecilia reported that it is due to the town's cafeteria plan in which the town pays the plan at the first of the year, and then the employee's pay will be deducted during the year.

## **F. AGENDA TOPICS:**

1. **PLAQUE PRESENTATION TO COUNCIL MEMBER COCCHIA** – The Mayor will present a plaque of appreciation to Council Member Cocchia for his years of dedicated service on the Town Council.

Mayor Deutschlander explained that due to the absence of Council Member Cocchia, the plaque presentation will be conducted at a later date when Council Member Cocchia is available for the presentation.

2. **PLANNING COMMISSION APPOINTMENT**— Bryce will present his recommendation for a Planning Commission member to the Council.

Bryce Haderlie, Town Manager, reported that he received several letters of interest for the Planning Commission seat. Bryce reported that Georg Hartlmaier's term ends December 31, 2009 and that Georg has served on the Commission for the past several years.

Bryce reported that in reviewing the applicants, there was strong support to reappoint Georg Hartlmaier to the Planning Commission. Bryce then recommended that the Council consider Georg Hartlmaier for a term of five years on the Planning Commission.

**Motion:** Council Member Ortler moved to appoint Georg Hartlmaier for Planning Commission for a term of five years. Council Member Schwob seconded the motion.

**Action:** **Motion carried 4-0-0 (Summary Yes = 4 Vote: Yes = Mayor Deutschlander, Council Member Fausett, Council Member Ortler, Council Member Schwob. Absent: Council Member Cocchia).**

3. **2010 TOWN COUNCIL MEETING SCHEDULE**— the Council will approve the 2010 Town Council Meeting schedule.

Nancy Leigh, Town Clerk/Recorder, presented a tentative meeting schedule for Council's consideration for the 2010 year (see attached).

**Motion:** Council Member Ortler moved to approve the proposed 2010 Town Council Meeting Schedule as presented. Council Member Fausett seconded the motion.

**Action:** **Motion carried 4-0-0 (Summary Yes = 4 Vote: Yes = Mayor Deutschlander, Council Member Fausett, Council Member Ortler, Council Member Schwob. Absent: Council Member Cocchia).**

4. **TOWN ATTORNEY CONTRACT**— The Council will consider a proposed contract with Eric Johnson, Blaisdell & Church, as the Town Attorney.

Bryce Haderlie, Town Manager, presented a proposed contract for the legal services of Eric Johnson as Town Attorney (see attached). Bryce explained that Mr. Johnson has been the town's attorney for the past several years and has recently left Smith-Hartvigsen to join David Church at Blaisdell & Church as of December 01, 2009.

Approved January 14, 2009

Discussion was held regarding the monthly visits that are identified in the contract. Bryce explained that Mr. Johnson does not charge for the travel time to Brian Head for a one-time per month but will verify with Mr. Johnson on the visits and report back to Council.

**Motion:** Council Member Ortler moved to authorize the Mayor to sign the contract between Eric Johnson and Brian Head Town for legal services. Council Member Fausett seconded the motion.

**Action:** **Motion carried 4-0-0 (Summary Yes = 4 Vote: Yes = Mayor Deutschlander, Council Member Fausett, Council Member Ortler, Council Member Schwob. Absent: Council Member Cocchia).**

**5. CONSOLIDATED FEE SCHEDULE AMENDMENT**– The Council will consider a proposed resolution for amending the Consolidated Fee Schedule.

Tom Stratton, Public Works Director, presented an amended Consolidated Fee Schedule to the Council for their consideration (see attached). Tom reported that the Consolidated Fee Schedule identifies the following changes:

1. New Service Utility Deposit of \$300.00
2. Water Impact Fees reduced to \$11,668.64, as required by the impact fee study and the completion of the USDA loan/grant.
3. A monthly water rate with disconnected service of \$48.65 for Residential and \$97.20 for Commercial.
4. A monthly sewer rate with disconnected service of \$27.545 for Residential and \$58.32 for Commercial.
5. A monthly trash rate with disconnected service of \$8.91 for Residential.
6. A monthly recycle fee with disconnected service of \$0.81 for Residential.
7. A Reconnect fee of \$100.00 for one (1) hour – minimum time (Town Code: 7-2-13).
8. A Disconnect fee of \$100.00 for one (1) hour – minimum time (Town Code 7-2-13).
9. Backhoe fee of \$100.00 per hour with operator.

The following items were discussed:

1. Sanitation fees. The town is currently in negotiations with the County on the landfill fees to determine what the landfill fees will be assessed for each resident/commercial in Brian Head.
2. Water rates: the water rates were established by the USDA loan/grant in determining what rates would need to be set in order to pay the loan portion of USDA. The minimum rate was set at \$60.00 per/month for residential.
3. If additional water connections are added to the water system, the town can then re-assess the monthly rate for its users, but must still ensure the payment to USDA. The town can raise the rates within the 40 years, but must show that the costs have significantly increased or the town could reduce the rates if there are more users on the system. If the town remains at status quo, then the rates would remain the same.
4. If the reserve cap for the USDA loan is met, then the water rates could be reduced, but that the town would need to build the reserve account in order to be in compliance with the USDA loan requirements.
5. Council will review the water revenue during the budget review process to determine if sufficient funds have been collected for the upcoming bond payment to USDA and the reserve account.

**Motion:** Council Member Ortler moved to adopt Resolution No. 398, a Resolution amending the Consolidated Fee Schedule as presented. Council Member Schwob seconded the motion.

**Action:** **Motion carried 4-0-0, roll call vote (Summary Yes = 4 Vote: Yes = Mayor Deutschlander, Council Member Fausett, Council Member Ortler, Council Member Schwob. Absent: Council Member Cocchia).**

• **BRIAN HEAD SPECIAL SERVICE DISTRICT MEETING**

**Motion:** Council Member Ortler moved to recess the regular meeting of the Town Council in order to convene the Brian Head Special Service District Meeting. Council Member Schwob seconded the motion.

**Action:** **Motion carried 4-0-0, roll call vote (Summary Yes = 4 Vote: Yes = Mayor Deutschlander, Council Member Fausett, Council Member Ortler, Council Member Schwob. Absent: Council Member Cocchia).**

The regular meeting of the Brian Head Town Council was ~~reconvened~~ recessed at 2:10 p.m. – Please see Brian Head Special Service District minutes.

The regular meeting of the Brian Head Town Council was reconvened at 2:50 p.m.

**6. PUBLIC SAFETY BUILDING DESIGN REVIEW** – Southern Utah University – SUU students will present the final five proposals for the new Public Safety Building design to the Council.

Gary Bulloch, Public Safety Director, presented the five finalists from Southern Utah University (SUU) who will present their design concepts on the proposed Public Safety Building for Council's review. Gary explained that the Public Safety Building Committee attended a prior presentation of twelve designs and chose the final five that are here to present to Council.

Bryce Haderlie, Town Manager, reminded the Council that they will need to identify a score of 1 to 10 for each of the presentations since there is a monetary prize for each place. The students then presented their designs to the Council:

The following students presented their designs for the public safety building:

1. Matt Walter, Jordan Taylor and Mike Peterson presented a power point presentation and distributed a handout of their designs (see attached). Council inquired as to snow shed off the roof and the easy expansion of the building for future use.

2. Sean Madill and Jed Adkinson presented a power point presentation along with a handout of their presentation (see attached). Questions were raised by the Council regarding the proposed bays for the fire engines and if the space was large enough.

3. Ragan Pickering and Frank Reeves presented a power point presentation. The building was approximately 10,000 square feet and provided for OHV storage, a separate ambulance bay and fire engine bays of approximately 60' in length and 22' in width. The police station was smaller than the fire department's side of the building, but has the capability of expansion in the future. Discussion was held regarding the pull-through bays and the topography of the area.

4. Julian Strand and Cache Gilmore presented a power point presentation and distributed a handout of their presentation (see attached). Discussion was held on the access to the building from Vasels Road and double-stacking the fire engines in the bays. If the fire trucks are double-stacked, there would be enough space for six vehicles. The proposed building is 20,000 square feet.

5. John Bates presented a power point presentation and distributed a handout of his presentation (see attached). Discussion was held regarding the 14 parking spaces that would be identified on the upper portion of Vasels Road.

The Council thanked the students for their efforts in their presentation. Council then took a five (5) minute recess to determine a score for each presentation and to award a place for each of the presentation. The following are the first through fifth place winners:

1<sup>st</sup> Place - \$1,000.00: Matt Walter, Jordan Taylor and Mike Peterson

2<sup>nd</sup>/3<sup>rd</sup> Place - \$700.00 + \$300.00 = \$1,000.00: Tied between John Bates, Julian Strand and Cache Gillmore – \$1,000.00 to be split evenly among the students.

4<sup>th</sup> Place - \$100.00: Sean Midell and Jed Adkinson.

5<sup>th</sup> Place - \$100.00: Ragan Pickering and Frank Reeves

Council directed staff to identify the prize money towards the student's education and a check will be delivered to SUU in c/o John Sargent. Bryce then offered the town's freedom passes (ski & tubing passes) to the students to be used Monday through Thursday only, excluding holidays for a one time pass.

**G. ADJOURNMENT**

**Motion:** Council Member Ortler moved to adjourn the regular meeting of the Town Council for December 08, 2009. Council Member Schwob seconded the motion.

Approved January 14, 2009

**Action:**        **Motion carried 4-0-0, roll call vote (Summary Yes = 4 Vote: Yes =** Mayor Deutschlander, Council Member Fausett, Council Member Ortler, Council Member Schwob. **Absent:** Council Member Cocchia).

The regular meeting of the Brian Head Town Council was adjourned at 4:20 p.m. for December 08, 2009.

January 14, 2010

Date Approved

Nancy Leigh

Town Recorder/Clerk